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08 UNITED STATES DISTRICT COURT
09 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,) Case No.: CR02-039-TSZ-01
11 Plaintiff,) (CR05-285-TSZ)
12 v.) SUMMARY REPORT OF U.S.
13 ANTHONY TYRONE McDONALD,) MAGISTRATE JUDGE AS TO
14 Defendant.) ALLEGED VIOLATIONS
15 _____) OF SUPERVISED RELEASE

16 An initial probation revocation hearing on a violation of supervised release in this case
17 was held before the undersigned Magistrate Judge on July 25, 2005. The United States was
18 represented by Assistant United States Attorney Joanne Maida, and the defendant by Mr. Brian
19 Tsuchida. The proceedings were recorded on cassette tape.

20 The defendant had been sentenced on or about April 26, 2002, on a charge of felon in
21 possession of a firearm in violation of 18 U.S.C. § 922(b)(1), and received a sentence of thirty-
22 three (33) months in prison and three (3) years of supervised release.

23 The conditions of supervised release included the requirements that defendant comply
24 with all local, state, and federal laws. Special conditions were imposed which included, but not
25 limited to, refraining from unlawful use of controlled substances, no possession of a firearm,
26 submitting to search, participating in a substance-abuse treatment program, abstaining from the

01 use of alcohol, and a penalty assessment of \$100.00.


02 In the Violation Report and Warrant Request dated June 6, 2005, U.S. Probation Officer
03 Felix Calvillo, Jr., asserted the following violation of defendant's conditions of supervised
04 release: illegally possessing a controlled substance (methamphetamine) on or about May 25,
05 2005, in King County, Washington, in violation of the general condition of supervised release
06 and standard condition #7. The defendant was advised in full as to the charge and as to his
07 constitutional rights.

08 On July 25, 2005, defendant also was detained on a charge of possession with intent to
09 distribute methamphetamine in violation of 21 U.S.C. §§ 841(a) and (b)(1)(B), No. CR05-285-
10 TSZ. Defendant entered a guilty plea to the charge after being advised in full as to the charge
11 and his constitutional rights. As part of his Fed. R. Crim. P. 11(c)(1)(C) Plea Agreement, the
12 defendant and the United States have agreed that the appropriate sentence for this offense is
13 sixty (60) months in prison, which shall run concurrently with the sentence for violation of
14 supervised release.

15 I therefore recommend that the Court find the defendant violated his conditions of
16 supervised release, and that a hearing limited to sentencing for the violation be set before the
17 Honorable Thomas S. Zilly. A hearing and sentencing date has not yet been set.

18 Pending a final determination of the Court, the defendant has been detained.

19 DATED this 27th day of July, 2005.

20 
21 JAMES P. DONOHUE
22 United States Magistrate Judge

23 cc: District Judge: The Hon. Thomas S. Zilly
24 AUSA: Ms. Joanne Maida
25 Defendant's attorney: Mr. Brian Tsuchida.
26 Probation Officer: Ms. Connie Smith